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September 24, 2015

Hon. Andrew J. Peck  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Courtroom 20D  
New York, New York 10007

**Re: Rio Tinto v. Vale, et al., Civil Action No. 14-cv-3042 (RMB) (AJP) (S.D.N.Y.)**

Dear Judge Peck:

We write in advance of today's conference to update the Court on matters that no longer require its attention.

**Clawbacks.** Now that Rio Tinto has seen Vale's inserts to the joint letter and understands what Vale is contesting, Rio Tinto will withdraw its clawback request for RT\_TAR\_0034384 and RT0517563-66. Rio Tinto maintains its clawback request for RT\_TAR\_0043035.

**BSGR's Confidentiality Challenges.** With respect to Defendant BSGR's challenge to the confidentiality designation of Rio Tinto's investigative reports, Rio Tinto met and conferred with BSGR yesterday, and we were able to resolve this dispute. Rio Tinto will produce the investigative reports identified by BSGR, with redactions, as Confidential.

**Vale's Request For Documents To Be Brought To The Hearing.** On Tuesday evening, as members of our team were heading out for Yom Kippur, Vale requested that Rio Tinto bring all the documents requested in Attachment A of the joint letter to the hearing. Dkt. No. 364, at 39. Unfortunately, it is not possible to identify and review all privileged documents (any non-privileged documents already have been produced) for their possible responsiveness to the categories in Attachment A before the hearing. Rio Tinto will, however, bring the documents the Court ordered it to bring as well as other documents Vale has requested.

Respectfully submitted,

/s/ Michael J. Lyle  
Michael J. Lyle

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